

# Chapter 317-40 WAC

## BUNKERING OPERATIONS

### WAC

317-40-010	Purpose.
317-40-020	Application.
317-40-030	Definitions.
317-40-040	Compliance with federal law and regulations.
317-40-050	Receiving vessel procedures.
317-40-060	Bunkering by a facility.
317-40-065	Emergency shut down procedures.
317-40-070	Pretransfer conference.
317-40-080	Delivering vessel procedures.
317-40-085	Work hours.
317-40-090	Record keeping.
317-40-100	Owner and operator responsibilities.
317-40-110	Location of bunkering (reserved).
317-40-120	Best achievable technology (reserved).
317-40-130	Oil spills.
317-40-140	Compliance.
317-40-150	Enforcement.
317-40-900	Effective date.
317-40-910	Severability.

**WAC 317-40-010 Purpose.** This chapter establishes minimum standards for safe bunkering operations to reduce the likelihood of an oil spill by:

- (1) Emphasizing the importance of proper procedures, communication and monitoring before, during and after a bunkering operation;
- (2) Ensuring that the duties of each person involved in a bunkering operation are clearly defined; and
- (3) Requiring vessel owners and operators to adopt company policies that improve the safety of bunkering.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-010, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-020 Application.** This chapter applies to all bunkering operations to refuel a self-propelled covered vessel 300 gross tons or more, and to all owners, operators, persons-in-charge, and other personnel involved in bunkering in state waters.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-020, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-030 Definitions.** Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

- (1) "Bunkering" means an oil transfer operation to replenish a self-propelled covered vessel 300 gross tons or more with fuel or bunkers used to propel the vessel.
- (2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including but not limited to, commercial fish processing vessels and freighters.
- (3) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.
- (4) "Innage" means the difference from the surface of the liquid to a fixed datum plate or to the tank bottom.
- (5) "Office" means the office of marine safety.

(7/29/94)

(6) "Oil transfer procedure" means the document required under 33 C.F.R. Sec. 155.720 that contains information required under 33 C.F.R. Sec. 155.750 including bunkering procedures.

(7) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(8) "Person in charge" means, for vessels, the person designated under 33 C.F.R. Sec. 155.700 who meets the qualifications under 33 C.F.R. Sec. 155.710. For facilities, it is the person designated under 33 C.F.R. Sec. 154.700 who meets the qualifications of 33 C.F.R. Sec. 154.710.

(9) "Proficient in English" means the ability to clearly speak the English language so personnel from other vessels and facilities understand and may safely complete a vessel operation.

(10) "Tank vessel" means a ship 300 gross tons or more that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

- (a) Operates on the waters of the state; or
- (b) Transfers oil in a port or place subject to the jurisdiction of the state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification. A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and may have some recovered oil storage capacity, does not carry oil as cargo.

(11) "Training" means instructional, materials, and procedures, including shipboard materials, practical exercises, and drills.

(12) "Topping off" means the receipt of bunker oil into the last ten percent of available tank capacity in any bunker tank.

(13) "Ullage" or "outage" means the depth of space above the free surface of the fluid to the tank top.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-030, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-040 Compliance with federal law and regulations.** (1) All bunkering and personnel involved in bunkering must comply with applicable provisions of federal law and regulations governing licensing, documentation, and oil transfer operations under 33 C.F.R. Sec. 155 and 156, and 46 C.F.R. Sec. 12, 15, and 35.

(2) Federal law and regulations applicable to bunkering on the effective date of these rules are hereby incorporated. Any amendment or recodification of an applicable federal law or regulation is also hereby incorporated unless expressly stated otherwise.

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-040, filed 7/29/94, effective 10/29/94.]

### **WAC 317-40-050 Receiving vessel procedures.**

Receiving vessel personnel on a covered vessel being refueled in state waters shall comply with the requirements of this section.

(1) **Training.** Except for a receiving vessel subject to subsection (2) of this section, a receiving vessel's person in charge shall conduct a training session for all personnel with duties under the vessel's oil transfer procedure within 48 hours before a vessel's scheduled bunkering. If personnel not assigned bunkering duties in the oil transfer procedure are assigned such duties, the person in charge shall train such personnel before they assume bunkering responsibilities. Training shall be conducted in a language common to both the person in charge and personnel being trained. The training shall include, but is not limited to, a review of the:

(a) Vessel's preloading plan as described in subsection (3) of this section;

(b) Civil and criminal penalties and liabilities for not complying with federal and state regulations, and for spilling oil in Washington waters;

(c) Vessel's oil transfer procedure, including each person's responsibilities and station;

(d) English phrases and hand signals to communicate the instructions listed in subsection (8)(b) of this section; and

(e) Emergency shutdown procedures described under WAC 317-40-065.

(2) **Intrastate operation.** A receiving vessel underway in state waters more than 50 percent of the time in a calendar year and that bunkers three or more times in a month shall conduct the training session described in subsection (1) of this section at least once every month.

(a) The receiving vessel's owner or operator shall submit a written schedule of the vessel's operations to the office stating:

(i) The vessel's name, call sign, and official number;

(ii) The typical routes served by the vessel; and

(iii) The typical number of bunkering operations performed in any 30 days.

(b) The receiving vessel's owner or operator shall notify the office in writing within 30 days of making a change in the vessel's typical operations

(3) **Preloading plan.** The receiving vessel's person in charge shall prepare a preloading plan prior to conducting the training session required under subsection (1) of this section. The person in charge shall ensure that a copy of the plan is posted at a place where the plan is easily seen by, and in a language common to, vessel personnel engaged in bunkering. The preloading plan must include the:

(a) Identification, location and capacity of the vessel's bunker tanks receiving oil;

(b) Level and type of liquid in each bunker tank prior to the scheduled time for bunkering;

(c) Final ullage or innage, and percent of each bunker tank to be filled;

(d) Sequence in which the bunker tanks are to be filled; and

(e) Procedures to regularly monitor all bunker tank levels and valve alignments.

(4) **Watchstanders.** The vessel's oil transfer procedure must designate a point-of-transfer watch and a deck-rover watch. Each watch must be equipped with two-way communications to communicate with the person in charge and vessel master or officer in charge.

(a) A point-of-transfer watch must remain at the point of connection with the delivering vessel during bunkering.

(b) The primary duty of the deck-rover is to monitor for oil spills on deck or over the side during bunkering. The deck-rover may perform other duties not in conflict with his or her primary duty. The deck-rover shall:

(i) Visually inspect the deck and water near or opposite all bunker tanks and each tank's sounding tube and vent, if accessible; and

(ii) Remain in a position during changing over of tanks or topping off to view any spillage on deck or in the water.

(5) **Personnel duties.** Except for the deck-rover watch, personnel assigned bunkering responsibilities may perform only those duties assigned while the vessel is bunkering. All personnel assigned to bunkering shall comply with their assigned duties under the vessel's oil transfer procedure and remain at their work stations during topping off.

(6) **Vessel access.** A receiving vessel must have an accommodation ladder in place to use for access between the receiving and delivering vessels, or between the receiving vessel and facility. If the vessel's master determines that the ladder is inaccessible from the delivering vessel another means of access must be provided that meets the standards established in the International Convention for the Safety of Life at Sea, 1974, as consolidated in 1986 (SOLAS). If the vessel master determines access is not safe due to weather or seastate, the master may allow communication by radio or by means set forth in subsection 8 of this section.

(7) **Soundings.** The receiving vessel's person in charge shall ensure that he or she receives sounding reports on tank levels according to the monitoring procedure established in the vessel's preloading plan.

### **(8) Communication.**

(a) The receiving vessel's person in charge shall ensure that communication between the receiving and delivering vessel or facility is accomplished either visually and by voice, sound-powered phones, radio, or air horn as required under 33 C.F.R. Sec. 155.785. The receiving vessel's person in charge shall notify the delivering vessel's or facility's person in charge immediately before topping off begins.

(b) The person in charge shall ensure that bunkering personnel know and use English phrases and hand signals to communicate the following instructions during bunkering: "stop," "hold," "okay," "wait," "fast," "slow," and "finish."

[Statutory Authority: RCW 88.46.170 and 43.211.030. 94-16-076, § 317-40-050, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-060 Bunkering by a facility.** During the pretransfer conference, the person in charge for a receiving vessel being refueled by a facility shall ensure that the receiving vessel's personnel comply with these rules and with the facility's operations manual as required under chapter 173-180B WAC.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-060, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-065 Emergency shut down procedures.**

(1) If any of the receiving vessel's personnel discovers an oil spill either on deck outside fixed containment, or on the water, or believes an oil spill is likely, he or she shall request immediate shutdown of the bunkering operation.

(2) The delivering vessel's personnel shall immediately activate the emergency shutdown device at the request of any person on the receiving vessel.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-065, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-070 Pretransfer conference.** (1) Before any oil is transferred during bunkering, the receiving vessel's person in charge and the delivering vessel's or facility's person in charge shall hold a pretransfer conference as required under 33 C.F.R. Sec. 156.120. The persons in charge shall meet in person onboard either vessel or at the facility unless the receiving vessel's master determines it is unsafe under WAC 317-40-050(6). The persons in charge shall:

(a) State and discuss the contents of the declaration of inspection required under 33 C.F.R. Sec. 156.150;

(b) Discuss procedures for informing the delivering vessel's or facility's person in charge before the receiving vessel changes over tanks or begins topping off; and

(c) Discuss emergency shutdown procedures and identify each vessel's means to shut down the transfer in an emergency.

(2) The receiving vessel's person in charge shall identify for the delivering vessel's or facility's person in charge those personnel designated as point-of-transfer watch and deck-rover watch.

(3) A receiving vessel may not receive bunkers unless a person proficient in English and a language common to the vessel's officers and crew is present at the pretransfer conference. The receiving vessel's owner or operator shall provide an interpreter proficient in English and a language common to the vessel's officers and crew at the request of the office, the delivering vessel's or facility's person in charge, or the U.S. Coast Guard.

(4) If the delivering vessel's person-in-charge is not satisfied with the receiving vessel's representative's English proficiency, he or she shall request an interpreter.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-070, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-080 Delivering vessel procedures.** Delivering vessel personnel may not begin bunkering unless:

(1) The tanker man meets the certification requirements under 46 C.F.R. Subpart 12.20 and has undergone annual training to become familiar with the requirements of this chapter.

(2) Access is provided to and from the receiving vessel that meets WAC 317-40-050(5).

(3) A pretransfer conference was held that met the requirements of WAC 317-40-070;

(7/29/94)

(4) A declaration of inspection was discussed in the pre-transfer conference and signed by both persons in charge as required under 33 C.F.R. Sec. 156.120;

(5) The delivering vessel's person in charge ensures that communication between the receiving and delivering vessel is accomplished either visually and by voice, sound-powered telephone, radio, or air horn, as required under 33 C.F.R. Sec. 155.785; and

(6) The receiving vessel's person in charge has discussed procedures for informing the delivering vessel's person in charge before changing over tanks and beginning topping off.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-080, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-085 Work hours.** Receiving and delivering vessel personnel involved in bunkering may not work more than 15 hours in any 24-hour period nor more than 36 hours in any 72-hour period except in an emergency or spill response operation. For purposes of this section, "emergency" means an unforeseen situation that poses an imminent threat to human safety, or the environment, or substantial loss of property.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-085, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-090 Record keeping.** (1) The master of a receiving vessel or his designee shall record in the vessel's official or deck log the date and time of the receiving vessel training session required under WAC 317-40-060(1), and the name and rating of who attended, immediately upon completion of the session.

(2) The master or officer in charge shall record in the receiving vessel's official or deck log that a pretransfer conference was held prior to bunkering that complied with the requirements of WAC 317-40-070.

(3) The receiving vessel's preloading plan and declaration of inspection shall be retained on the vessel for 30 days from the date of bunkering.

(4) The receiving and delivering vessels' owner or operator shall maintain records, such as log book entries, maintenance records or payroll records, demonstrating compliance with work hour restrictions in Section 317-40-085 and shall, upon request, provide that information to the office of marine safety.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-090, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-100 Owner and operator responsibilities.** (1) Owners and operators of receiving and delivering vessels must ensure that the procedures required under this chapter are implemented and followed on their vessels.

(2) Owners and operators shall ensure that records are kept as required by this chapter and federal regulations.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-100, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-110 Location of bunkering (reserved).**

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-110, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-120 Best achievable technology (reserved).**

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-120, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-130 Oil spills.** (1) In the event oil is spilled into the water, or discharged onto either the receiving or delivering vessel's deck outside fixed containment, the vessel's persons in charge shall immediately shut down the bunkering operation. (2) Bunkering may not resume until: (a) Notification is made as required in RCW 90.56.280; and (b) The persons in charge determine that there is no threat of subsequent oil spills.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-130, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-140 Compliance.** (1) Upon request by the office, an owner or operator of a receiving or delivering vessel involved in bunkering in state waters shall demonstrate compliance with this chapter. The owner or operator shall make available to the office any or all of the following: (a) the receiving vessel's official and engineering logs; (b) written company policies; (c) standing orders; (d) the receiving vessel's preloading plan; (e) each vessel's declaration of inspection form; (f) the vessel's oil transfer procedures; and (g) training materials.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-140, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-150 Enforcement.** (1) Failure to comply with the requirements of chapter 88.46 RCW, the provisions of this chapter, or any order or administrative action issued by the office under this chapter, the office may:

- (1) Order an immediate shutdown of the bunkering procedure;
- (2) Require additional personnel;
- (3) Refer the violations for criminal prosecution pursuant to 88.46.080 RCW; or
- (4) Take other appropriate actions to address the violation.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-150, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-900 Effective date.** This chapter shall take effect 90 days after the order adopting these rules is filed with the office of the code reviser.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-900, filed 7/29/94, effective 10/29/94.]

**WAC 317-40-910 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 88.46.170 and 43.21I.030. 94-16-076, § 317-40-910, filed 7/29/94, effective 10/29/94.]